

HOUSE \_\_\_\_\_ AMENDMENT NO. \_\_\_\_\_

Offered By

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 765,  
Section 190.451, Page 4, Line 22 by inserting after all of said section the following:

"210.221. 1. The department of health and senior services shall have the following  
powers and duties:

(1) After inspection, to grant licenses to persons to operate child-care facilities if satisfied  
as to the good character and intent of the applicant and that such applicant is qualified and  
equipped to render care or service conducive to the welfare of children, and to renew the same  
when expired. No license shall be granted for a term exceeding two years. Each license shall  
specify the kind of child-care services the licensee is authorized to perform, the number of  
children that can be received or maintained, and their ages and sex;

(2) To inspect the conditions of the homes and other places in which the applicant  
operates a child-care facility, inspect their books and records, premises and children being served,  
examine their officers and agents, deny, suspend, place on probation or revoke the license of such  
persons as fail to obey the provisions of sections 210.201 to 210.245 or the rules and regulations  
made by the department of health and senior services. The director also may revoke or suspend a  
license when the licensee fails to renew or surrenders the license;

(3) To promulgate and issue rules and regulations the department deems necessary or  
proper in order to establish standards of service and care to be rendered by such licensees to

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1 children. No rule or regulation promulgated by the division shall in any manner restrict or  
2 interfere with any religious instruction, philosophies or ministries provided by the facility and  
3 shall not apply to facilities operated by religious organizations which are not required to be  
4 licensed; [and]

5 (4) To determine what records shall be kept by such persons and the form thereof, and the  
6 methods to be used in keeping such records, and to require reports to be made to the department at  
7 regular intervals; and

8 (5) To deny, suspend, place on probation, or revoke a license for any child care facility  
9 that does not obtain and maintain a local license or permit for the operation of a child care facility,  
10 if required by local law.

11 2. Any child-care facility may request a variance from a rule or regulation promulgated  
12 pursuant to this section. The request for a variance shall be made in writing to the department of  
13 health and senior services and shall include the reasons the facility is requesting the variance. The  
14 department shall approve any variance request that does not endanger the health or safety of the  
15 children served by the facility. The burden of proof at any appeal of a disapproval of a variance  
16 application shall be with the department of health and senior services. Local inspectors may grant  
17 a variance, subject to approval by the department of health and senior services.

18 3. The department shall deny, suspend, place on probation or revoke a license if:  
19 (1) It receives official written notice that the local governing body has found that license  
20 is prohibited by any local law related to the health and safety of children. The department may,  
21 after inspection, find the licensure, denial of licensure, suspension or revocation to be in the best  
22 interest of the state; or

23 (2) It receives official written notice from the local governing body that the local license  
24 or permit for the child care facility has been denied, suspended, placed on probation, or revoked.

25 4. For any child care facility required to obtain and maintain a local license or permit  
26 issued by a political subdivision of this state and the requirements of such local license or permit  
27 are consistent with but more restrictive than the child care facility licensure requirements of the  
28 state, the child care facility shall be required to meet the requirements for the local license or  
29 permit in order to maintain the facility's state licensure. Any child care facility that does not

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1 obtain or maintain the required local license or permit shall be subject to state licensure sanction  
2 in accordance with subsection 3 of this section.

3 5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is  
4 created under the authority delegated in sections 210.201 to 210.245 shall become effective only if  
5 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable,  
6 section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no  
7 force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the  
8 validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all  
9 applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of  
10 the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay  
11 the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then  
12 the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be  
13 invalid and void.

14 6. Nothing in this section shall be construed to eliminate any licensing exemptions under  
15 state law or authorize any local licensure of such facilities otherwise exempted from state  
16 licensure."; and

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18 Further amend said bill by amending the title, enacting clause, and intersectional references  
19 accordingly.  
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